

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

STATE OF NEW HAMPSHIRE	:		
	:		
Complainant:	:		
	:		CASE NO. M-0520
and	:		
	:		
STATE EMPLOYEES' ASSOCIATION OF	:		DECISION NO. 780047
NEW HAMPSHIRE, INC.	:		
Respondent :	:		
	:		

APPEARANCES

Representing the State of New Hampshire:

David Marshall, Esquire

Representing the State Employees' Association:

Howard Zibel, Esquire, Counsel

BACKGROUND

This case arises out of the Manchester firefighters strike matters (see Decision of this Board #780044, 780045 and 780046) and was the subject of a temporary hearing on a request of the State of New Hampshire v. Manchester Firefighters' Association, the International Association of Fire Fighters and the State Employees' Association of New Hampshire, Inc. (which hearing was held September 14, 1978 although not required under the statute) after which a temporary order of this Board was issued which found that the State Employees' Association had engaged in conduct amounting to the equivalent of a "secondary boycott" or a potential "secondary boycott" in the private sector and which ordered such activity to cease pending a full hearing. A full hearing was held October 24, 1978 at the Legislative Office Building in Concord.

All matters concerning the Manchester Firefighters' Association and the International Association of Fire Fighters, AFL-CIO, were settled and complaints withdrawn concerning them and the only matter before the Board was the complaint against the State Employees' Association of New Hampshire, Inc. and the issue of whether to make the temporary Board order permanent. All parties were present and had an opportunity to be heard.

It is the position of the State that the alleged activity by the State Employees' Association of New Hampshire, Inc., in urging its members to observe picket lines established by the Manchester Firefighters' Association in Manchester amounted to an illegal withholding of services and that this constituted an unfair labor practice under RSA 273-A:5 II (a) & (e). As stated

in the complaint, the action complained against is stated in paragraph 9 thereof which reads as follows:

"9. On information and belief on the morning of September 14, 1978, Denis Parker, spokesman for the respondent State Employees' Association of New Hampshire, Inc. (hereinafter referred to as "SEA") publicly urged State employees to support the firefighters and not to cross the firefighters' picket lines.

10. The foregoing conduct on the part of respondent SEA is an unfair labor practice pursuant to RSA 273-A:5 II (e)."

At the hearing, Denis Parker, Executive Director of the SEA admitted encouraging observation of the picket lines set up by the firefighters around City Departments, (not State Departments, which issue is now moot) and indicated that this was a position which had been taken by the Executive Board of the union. He indicated that the Board of Directors of the State Employees' Association of N. H., Inc. approved that action.

FINDINGS

The Board finds sufficient evidence of an unfair labor practice under RSA 273-A:5 in that the action taken by the Executive Board of the State Employees' Association in urging its members to observe picket lines was in support of and encouraging activities prohibited by RSA 273-A. While the Board is not aware of any actual withholding of services, the Board Decision No. 780045, City of Manchester, New Hampshire and Local 298, American Federation of State, County and Municipal Employees, AFL-CIO and Manchester Waterworks Employees' Association would apply to this situation as well. The withholding of services is illegal and the urging of withholding of such services also violates the meaning and intent of the law. The Board is not prepared to say that the fact that there was no actual withholding of services makes this case significantly different from that in the Decision No. 780045 and therefore applies the reasoning of that decision to this decision as well.

As a matter of procedure, the Board finds that no hearing is required prior to a temporary order by the Board under RSA 273-A, that its order previously issued was proper based on the nature of the situation and the facts before the Board at that time and that all parties have had a sufficient opportunity for full hearing as provided by statute prior to the issuance of this order.

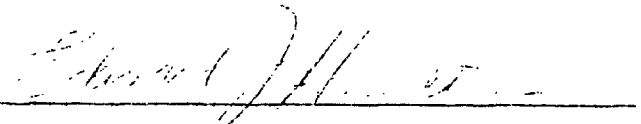
ORDER

The Board issues the following order:

1. Having found unfair labor practices against the State Employees' Association of New Hampshire, Inc., the Board orders that organization to cease and desist any further activities in compliance with the vote of the

Executive Board to support the withholding of services or the observation of picket lines of other organizations by the organization or its membership. The Board further declares that votes so taken are null and void and of no further force and effect.

2. The Board sustains the unfair labor practice complaints as stated in the complaint of the State of New Hampshire.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 20th day of December, 1978

Board Members Moriarty and Cummings also present. All concurred. Board Member Allman present for a portion of the hearing, took no part in the consideration of this case. Board Member Anderson not present, took no part in the consideration of this case. Board Clerk Evelyn LeBrun and Board Counsel Bradford Cook also present.